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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

) Lead Case No.: BK-19-50102-GS

Debtor.

Affects:

 DC Solar Solutions, Inc.

☒ DC Solar Distribution, Inc.

DC Solar Freedom, Inc

□ Double Jump Inc

CHRISTINA W. LOVATO

Plaintiff

vs.

PRISCILLA AMATO, ROBERT AMATO,
PAULA JORDAN

Defendants

ANSWER TO COMPLAINT

Paula Jordan, a Defendant in the above-referenced adversary proceeding (the “**Defendant**”), by and through her counsel of record, Schwartz Law, PLLC, hereby files an answer to the Complaint for Avoidance and Recovery of Fraudulent Transfer; Turnover and Accounting (the “**Complaint**”) of Plaintiff Christina W. Lovato, in her capacity as Chapter 7 Trustee (referred to herein as the “**Plaintiff**”).

The Defendant denies all allegations contained in the headings and/or subheadings preceding individually numbered paragraphs of Plaintiff's Complaint, as well as in the prayer for relief contained therein. The Defendant also denies all allegations of Plaintiff's Complaint to the extent not expressly admitted. The Defendant hereby responds to the individually numbered paragraphs of Plaintiff's Complaint as follows:

GENERAL ALLEGATIONS

1. Admitted to the extent of the Trustee's role. Answering further, Paragraph 1 is comprised, in part, of a legal conclusion to which no response is required. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 1.

2. Admitted to the extent of R. Amato is an individual. Answering further, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 2 and therefore denies same.

3. Admitted to the extent of P. Amato is an individual. Answering further, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 3 and therefore denies same.

4. Admitted.

5 Admitted

6. Paragraph 6 consists of characterizations that are not factual allegations, such that no response is required. Paragraph 6 is comprised, in part, of a legal conclusion to which no response is required. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 6.

7. Paragraph 7 consists of characterizations that are not factual allegations, such that no response is required. Paragraph 7 is comprised, in part, of a legal conclusion to which no response is required. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 7.

8. Admitted.

1 9. Admitted to the extent of DC Solar's legitimate business operations. Answering
2 further, the Defendant is without knowledge or information sufficient to form a belief as to the truth
3 of the remaining allegations contained in Paragraph 9 and therefore denies same.

4 10. Admitted.

5 11. Admitted.

6 12. Admitted.

7 13. Admitted.

8 14. Admitted.

9 15. Admitted to the extent of DCSS numerous transactions. Answering further, the
10 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
11 remaining allegations contained in Paragraph 15 and therefore denies same.

12 16. Defendant is without knowledge or information sufficient to form a belief as to the
13 truth of the allegations contained in Paragraph 16 and therefore denies same.

14 17. Defendant is without knowledge or information sufficient to form a belief as to the
15 truth of the allegations contained in Paragraph 17 and therefore denies same.

16 18. Defendant is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in Paragraph 18 and therefore denies same.

18 19. Defendant is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 19 and therefore denies same.

20 20. Defendant is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in Paragraph 20 and therefore denies same.

22 21. Admitted to the extent of DC Solar-insiders, including Defendant, who was unaware
23 of and did not participate. Answering further, the Defendant is without knowledge or information
24 sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 15
25 and therefore denies same.

26 22. Admitted to the extent of Federal law enforcement serving search warrants on DCSS,
27 DCSD and certain other affiliates on December 18, 2018. Answering further, the Defendant is
28

1 without knowledge or information sufficient to form a belief as to the truth of the remaining
2 allegations contained in Paragraph 22 and therefore denies same.

3 23. Admitted.

4 24. Admitted.

5 25. Paragraph 25 consists of characterizations that are not factual allegations, such that
6 no response is required. Paragraph 25 is comprised, in part, of a legal conclusion to which no
7 response is required. Answering further, the Defendant is without knowledge or information
8 sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 25
9 and therefore denies same. To the extent a further response is required, the Defendant denies the
10 remaining allegations in Paragraph 25.

11 26. Admitted to the extent of Defendant's role as a DC Solar employee and familial
12 relationship with Paulette Carpooff. Answering further, the Defendant is without knowledge or
13 information sufficient to form a belief as to the truth of the remaining allegations contained in
14 Paragraph 26 and therefore denies same.

15 27. Defendant is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 27 and therefore denies same.

17 28. Defendant is without knowledge or information sufficient to form a belief as to the
18 truth of the allegations contained in Paragraph 28 and therefore denies same.

19 29. Defendant is without knowledge or information sufficient to form a belief as to the
20 truth of the allegations contained in Paragraph 29 and therefore denies same.

21 30. Defendant is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations contained in Paragraph 30 and therefore denies same.

23 31. Defendant is without knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in Paragraph 31 and therefore denies same.

25 32. Defendant is without knowledge or information sufficient to form a belief as to the
26 truth of the allegations contained in Paragraph 32 and therefore denies same.

27 33. Defendant is without knowledge or information sufficient to form a belief as to the
28 truth of the allegations contained in Paragraph 33 and therefore denies same.

1 34. Defendant is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 34 and therefore denies same.

3 35. Defendant is without knowledge or information sufficient to form a belief as to the
4 truth of the allegations contained in Paragraph 35 and therefore denies same.

5 36. Defendant is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in Paragraph 36 and therefore denies same.

7 37. Admitted to the extent of Defendant P. Jordan's role as employee of DC Solar,
8 payroll payments from DCSS provided in Exhibit 4 to the Adversary Complaint, and these
9 payments being compensation for the services provided by P. Jordan as employee of DC Solar. To
10 the extent a further response is required, the Defendant denies the remaining allegations in
11 Paragraph 37.

12 38. Denied. Answering further, Paragraph 38 is comprised, in part, of a legal conclusion
13 to which no response is required. To the extent a further response is required, the Defendant denies
14 the remaining allegations in Paragraph 38.

15 39. Admitted.

16 40. Denied.

17 41. Denied. Answering further, Paragraph 41 is comprised, in part, of a legal conclusion
18 to which no response is required. To the extent a further response is required, the Defendant denies
19 the remaining allegations in Paragraph 41. Answering further, Defendant is without knowledge or
20 information sufficient to form a belief as to the truth of the remaining allegations contained in
21 Paragraph 41 and therefore denies same.

22 42. Paragraph 42 consists of characterizations that are not factual allegations, such that
23 no response is required. Paragraph 42 is comprised, in part, of a legal conclusion to which no
24 response is required. To the extent a further response is required, the Defendant denies the
25 remaining allegations in Paragraph 42.

26 43. Defendant is without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in Paragraph 43 and therefore denies same.

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CLAIMS FOR RELIEF

COUNT 1

Actual Fraudulent Transfer

11 U.S.C. § 548(a)(1)(A)

[R. Amato and P. Amato and P. Jordan]

44. Defendant repeats, realleges, and incorporates by reference each of the foregoing responses as if fully set forth herein.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 and therefore denies same.

46. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 and therefore denies same.

47. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 and therefore denies same.

48. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 and therefore denies same.

49. To the extent that Paragraph 49 purports to quote, paraphrase, or characterize Exhibits 4 and 5, the exhibits speak for themselves. Answering further, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 and therefore denies same.

50. Denied. Answering further, Paragraph 50 is comprised, in part, of a legal conclusion to which no response is required. Answering further, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 and therefore denies same. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 50.

COUNT II

Constructive Fraudulent Transfer

11 U.S.C. § 548(a)(1)(B)

[R. Amato and P. Amato and P. Jordan]

51. Defendant repeats, realleges, and incorporates by reference each of the foregoing responses as if fully set forth herein.

52. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 and therefore denies same.

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 and therefore denies same.

54. Paragraph 54 consists of characterizations that are not factual allegations, such that no response is required. Paragraph 54 is comprised, in part, of a legal conclusion to which no response is required. Answering further, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 and therefore denies same. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 54.

55. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 and therefore denies same.

56. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 and therefore denies same.

57. To the extent that Paragraph 57 purports to quote, paraphrase, or characterize Exhibits 4 and 5, the exhibits speak for themselves. Answering further, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 and therefore denies same.

58. Denied. Answering further, Paragraph 58 is comprised, in part, of a legal conclusion to which no response is required. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 58.

COUNT III
Actual Fraudulent Transfer

59. Defendant repeats, realleges, and incorporates by reference each of the foregoing responses as if fully set forth herein.

60. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 and therefore denies same.

61. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 and therefore denies same.

62. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 and therefore denies same.

63. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 and therefore denies same.

64. To the extent that Paragraph 64 purports to quote, paraphrase, or characterize Exhibits 4 and 5, the exhibits speak for themselves. Answering further, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 and therefore denies same.

65. Denied. Answering further, Paragraph 65 is comprised, in part, of a legal conclusion to which no response is required. Answering further, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 and therefore denies same. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 65.

COUNT IV

Constructive Fraudulent Transfer

**11 U.S.C. § 544 and California Civil Code §§ 3439.04(a)(2) or 3439.05
and 3439.07 or other applicable state law
[R. Amato and P. Amato and P. Jordan]**

66. Defendant repeats, realleges, and incorporates by reference each of the foregoing responses as if fully set forth herein.

67. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 and therefore denies same.

68. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 and therefore denies same.

69. Paragraph 69 consists of characterizations that are not factual allegations, such that no response is required. Paragraph 69 is comprised, in part, of a legal conclusion to which no response is required. Answering further, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 and therefore denies

same. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 69.

70. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 and therefore denies same.

71. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 and therefore denies same.

72. To the extent that Paragraph 72 purports to quote, paraphrase, or characterize Exhibits 4 and 5, the exhibits speak for themselves. Answering further, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 and therefore denies same.

73. Denied. Answering further, Paragraph 73 is comprised, in part, of a legal conclusion to which no response is required. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 and therefore denies same. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 73.

COUNT V
11 U.S.C. § 550(a)

74. Defendant repeats, realleges, and incorporates by reference each of the foregoing responses as if fully set forth herein.

75. Paragraph 75 consists of characterizations that are not factual allegations, such that no response is required. Paragraph 75 is comprised, in part, of a legal conclusion to which no response is required. To the extent a further response is required, the Defendant denies the remaining allegations in Paragraph 75.

76. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 and therefore denies same.

77. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 and therefore denies same.

1 78. To the extent that Paragraph 78 purports to quote, paraphrase, or characterize
2 Exhibits 4 and 5, the exhibits speak for themselves. Answering further, Defendant is without
3 knowledge or information sufficient to form a belief as to the truth of the allegations contained in
4 Paragraph 78 and therefore deny same. Answering further, Paragraph 78 is comprised, in part, of
5 a legal conclusion to which no response is required. To the extent a further response is required,
6 the Defendant denies the remaining allegations in Paragraph 78.

COUNT VI
Quasi Contract for Unjust Enrichment Seeking Restitution
[R. Amato and P. Amato and P. Jordan]

9 79. Defendant repeats, realleges, and incorporates by reference each of the foregoing
10 responses as if fully set forth herein.

11 80. Admitted.

12 81. Denied. Defendant is without knowledge or information sufficient to form a belief
13 as to the truth of the remaining allegations contained in Paragraph 81 and therefore denies same.

14 82. Denied. Defendant is without knowledge or information sufficient to form a belief
15 as to the truth of the remaining allegations contained in Paragraph 82 and therefore denies same.

16 83. Paragraph 83 consists of characterizations that are not factual allegations, such that
17 no response is required. Paragraph 83 is comprised, in part, of a legal conclusion to which no
18 response is required. Answering further, Defendant is without knowledge or information sufficient
19 to form a belief as to the truth of the allegations contained in Paragraph 83 and therefore denies
20 same. To the extent a further response is required, the Defendant denies the remaining allegations
21 in Paragraph 83.

COUNT VII
Accounting
[R. Amato and P. Amato and P. Jordan]

24 84. Defendant repeats, realleges, and incorporates by reference each of the foregoing
25 responses as if fully set forth herein.

26 85. Paragraph 85 consists of characterizations that are not factual allegations, such that
27 no response is required. Paragraph 85 is comprised, in part, of a legal conclusion to which no

1 response is required. To the extent a further response is required, the Defendant denies the
2 remaining allegations in Paragraph 85.

3 86. Defendant is without knowledge or information sufficient to form a belief as to the
4 truth of the allegations contained in Paragraph 86 and therefore denies same.

5 87. Defendant is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in Paragraph 87 and therefore denies same.

7 88. Defendant is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in Paragraph 88 and therefore denies same.

9 89. Paragraph 89 consists of characterizations that are not factual allegations, such that
10 no response is required. Paragraph 89 is comprised, in part, of a legal conclusion to which no
11 response is required. To the extent a further response is required, the Defendant denies the
12 remaining allegations in Paragraph 89.

13 90. Paragraph 90 consists of characterizations that are not factual allegations, such that
14 no response is required. Paragraph 90 is comprised, in part, of a legal conclusion to which no
15 response is required. Answering further, Defendant is without knowledge or information sufficient
16 to form a belief as to the truth of the allegations contained in Paragraph 90 and therefore denies
17 same. To the extent a further response is required, the Defendant denies the remaining allegations
18 in Paragraph 90.

19 91. Paragraph 91 consists of characterizations that are not factual allegations, such that
20 no response is required. Paragraph 91 is comprised, in part, of a legal conclusion to which no
21 response is required. To the extent a further response is required, the Defendant denies the
22 remaining allegations in Paragraph 91.

23 92. Defendant is without knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in Paragraph 92 and therefore denies same.

25 93. Paragraph 93 consists of characterizations that are not factual allegations, such that
26 no response is required. Paragraph 93 is comprised, in part, of a legal conclusion to which no
27 response is required. To the extent a further response is required, the Defendant denies the
28 remaining allegations in Paragraph 93.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted because, among other reasons, the Department of Treasury – Internal Revenue Service proof of claim (Claim No. 73) is not an allowable claim as having been filed after the applicable claims bar date. The IRS’s proof of claim is, therefore, time-barred and should be disallowed as a late-filed claim.

SECOND AFFIRMATIVE DEFENSE

Each and every claim brought by Plaintiff is barred by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

Defendant's conduct is immunized from both avoidance and recovery of any property or its value by virtue of her good faith and that Defendant acted without knowledge of any alleged fraud(s) purported to have been committed by other Defendants, as well as by virtue of any value Defendant transmitted or conferred in exchange for any property she is alleged to have purportedly received in Plaintiff's Complaint.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred and/or Defendant is entitled to an offset/setoff against any damages award with respect to any benefit actually received by the Debtors through any services Defendant provided.

FIFTH AFFIRMATIVE DEFENSE

All possible affirmative defenses may not have been alleged herein, in so far as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer to Plaintiff's Complaint; therefore, Defendant reserves the right to amend her Answer to allege additional affirmative defenses if subsequent investigations so warrant.

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1 **WHEREFORE**, Defendant respectfully requests that this Court (i) deny the relief
2 requested in the Complaint, and grant judgment to Defendant; (ii) order, adjudge, and decree that
3 Plaintiff take nothing by way of his Complaint; (iii) declare Defendant is entitled to her costs and
4 reasonable attorneys' fees; and (iv) grant Defendant such other and further relief as this Court may
5 deem just and proper.

6 Dated this 3rd day of May, 2021.

7 Respectfully Submitted,

8 /s/ Samuel A. Schwartz
9 Samuel A. Schwartz, Esq.
10 Nevada Bar No. 10985
11 saschwartz@nvfirm.com
12 SCHWARTZ LAW, PLLC
13 601 East Bridger Avenue
14 Las Vegas, NV 89101
15 Telephone: 702.385.5544
16 *Attorneys for the Defendant Paula Jordan*

17 **CERTIFICATE OF SERVICE**

18 I HEREBY CERTIFY that a true and correct copy of the foregoing was sent electronically
19 via the Court's CM/ECF system on May 3, 2021, to the following:

20 SOLOMON B. GENET on behalf of Plaintiff CHRISTINA W. LOVATO
21 sgenet@melandbudwick.com; ltannenbaum@melandbudwick.com; mrbnefs@yahoo.com;
22 ltannenbaum@ecf.courtdrive.com

23 JEFFREY L. HARTMAN on behalf of Plaintiff CHRISTINA W. LOVATO
24 notices@bankruptcreno.com; abg@bankruptcreno.com

25 CHRISTINA W. LOVATO trusteelovato@att.net; NV26@ecfcbis.com

26 KEVIN C. PAULE on behalf of Plaintiff CHRISTINA W. LOVATO
27 kpaule@melandbudwick.com; ltannenbaum@melandbudwick.com; mrbnefs@yahoo.com;
28 ltannenbaum@ecf.courtdrive.com

29 /s/ Susan Roman
30 Susan Roman, an employee of
31 SCHWARTZ LAW, PLLC